

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN PHET,

Petitioner,

v.

THE STATE OF WASHINGTON

Respondents.

Case No. C07-5493RBL

ORDER TO AMEND, AND  
ORDER DENYING COUNSEL

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 5). Petitioner names the State of Washington as respondent. 28 U.S.C. § 2243 indicates that writs are to be directed "to the person having custody of the person detained". This person typically is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994). Information in the petition shows petitioner is housed at an out of state facility but is a Washington inmate. The Secretary of the Department of Corrections, Harold Clark, or the superintendent of the out of state facility would be the proper respondents.

ORDER

